

REMARKS

Claims 1-20 are pending in the subject application. After entry of the above amendments to the claims, claim 1 has been amended. The Examiner is respectfully requested to reconsider the rejection of the claims in view of the above amendments and remarks as set forth herein below.

The amendment to claim 1 is to correct a spelling error. Entry of the above amendment is requested after final rejection, since this amendment requires no further search or consideration.

1. Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lemelson et al.(U.S. 5,945,656) in view of Swartz et al. (U.S. 6,095,418). This rejection is respectfully traversed.

Lemelson *et al.* discloses an apparatus for scanning and audio generation from printed material using a one (1) dimensional type bar code for, as shown in Figures 1 and 2. A guide 8 is required to guide the hand-held reader 60, as shown in Figure 4. Lemelson *et al.* discloses that the scanning end 62 of the reader 60 mates with a cutout 12 of the guide 8 and “may contact the surface being scanned” (see column 6, lines 32-34). Thus, the hand-held reader 60 of Lemelson *et al.* can be a contact-type scanning device, however, importantly it is noted it is capable of only reading a one (1) dimensional type bar code unlike the claimed linear high density multi-dimensional Braille-type bar code according to the claimed combination.

Schwartz *et al.* discloses an apparatus for processing symbol-encoded document information using a two (2) dimensional bar code symbol. The symbol 14 is optically scanned and decoded into symbol data by a scanner/decoder 16. A suitable scanner/decoder is disclosed in commonly assigned U.S. patent application serial no. 07/851,493 filed March 16, 1992 and entitled "Method and Apparatus For Decoding Two-Dimensional Bar Code Using CCD/CCM Camera." A suitable laser beam scanner/decoder is disclosed and commonly assigned U.S. patent application serial no. 07/851,505, filed March 16, 1992 and entitled "System For Encoding And Decoding Data In Machine Readable Graphic Form" (see column 3, lines 51-58).

The scanners disclosed by Schwartz *et al.* are non-contact picture type scanners, and scan and read the symbol from a distance. Further, these types of scanners read the entire symbol simultaneously unlike the contact-type hand-held scanner according to the present invention that reads the Braille-type bar code while in contact (i.e. gliding or sliding) with the medium (e.g. while moving along the surface of the medium, See Disclosure at page 13, lines 1-14).

Importantly, the Examiner has not provided a reference that discloses a contact-type hand-held scanner capable of reading two-dimensional bar code. The contact-type reader 60 of Lemelson *et al.* is only capable of reading a one-dimensional bar code. The scanner/decoder 16 of Schwartz *et al.* is totally different and unlike the reader 60 of Lemelson *et al.*, and both the reader 60 of Lemelson *et al.* and the scanner/decoder 16 of Schwartz *et al.* are totally different and unlike the scanner according to the claimed combination that is capable of reading two-dimensional bar code while in contact with the medium or page.

The Examiner states that “it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention to have utilized a Braille-type linear high density multi-dimensional type bar code (including a two-dimensional bar code), since the use of a particular type bar code will only depend on the amount of information to be stored and conveyed, especially since Lemelson *et al.* clearly states that he envisions for his device to be utilized by the handicapped (col. 1, lines 57-61). Furthermore, the specific bar code dimensionality is considered to be a design choice in that applicants disclose that the bar code used in their invention may be of any type desired (page 12, lines 12-14 and page 18, lines 6-8).”

To replace the one-dimensional bar code in the apparatus of Lemelson *et al.* with the two-dimensional bar code disclosed by Schwartz *et al.* is not suggested, since the hand-held reader 60 in Lemelson *et al.* is not capable of reading two-dimensional bar code. Furthermore, the reader of Lemelson *et al.* requires the guide 8 to function properly, since the scanning end 62 of the reader 60 is not configured to alternatively use an edge of the page as a guide (i.e. reader 60 is not configured for guideless operation). Please note the configuration of the reader 60 in the guide 8, as shown in Figure 4, is guiding the scanning end 62 a substantial distance relative to the edge of the page (also see the special relationship shown in Figure 1). Specifically, the width of the scanning end 39 is not wide enough to extend to or reach the edge of the page for guideless operation of the reader 60.

Alternatively, to replace the scanner/decoder 46, 74, 94, in the apparatus Schwartz *et al.* with the one-dimensional reader 60 of Lemelson *et al.* is not suggested, since the one-dimensional reader 60 of Lemelson *et al.* is not capable of reading two-dimensional bar code.

Again, the Examiner has not provided a reference disclosing a two-dimensional reader/scanner capable of reading/scanning a two-dimensional bar code while in contact with the medium or page. Thus, the Examiner has not provided a *prima facie* case of obviousness and the basis of the outstanding rejection is improper.

Regarding the Examiner's statement that "the specific bar code dimensionality is considered to be a design choice and that applicants disclose that the bar code used in their invention may be of any type desired (page 12, lines 12-14 and page 18, lines 6-8), Applicant is claiming a specific combination that is limited to a contact-type two-dimensional bar code scanner in the claimed combination that is not taught or suggested by Lemelson *et al.* or Schwartz *et al.* alone or in combination.

Regarding the positioning of the Braille-type bar code in the claimed invention, the location is important so that the edge of the medium or page can be utilized as a guide by the user. Again, in Lemelson *et al.* the width dimensions of the scanning end 62 of the reader 60 are not sufficient to utilize the edge of the page in the guideless operation thereof as proposed by the Examiner. In Schwartz *et al.*, the location of the two-dimensional is not particularly important due to the picture-type non-contact scanning/reading of the two-dimensional bar code unlike the claimed invention. Thus, Lemelson *et al.* or Schwartz *et al.* do not teach or suggest the particular claimed combination.

Regarding the printed matter not being functionally related to the substrate, in the presently claimed invention, the claimed Braille-type bar code is functionally related to the

substrate and is an important part of the claimed combination and functionality between the claimed elements.

Regarding the location of the placement of the Braille bar code as being considered to be a design choice, again, the location of the Braille-type bar code is important in the claimed combination due to the use of the edge of the medium or page as a guide.

Regarding the dimensionality of the Braille bar code, Bail (UK 2 184 588) is not cited in the above rejection. Furthermore, the bar code disclosed by Bail is a plurality of rows of one-dimensional bar code touching each other (See page 1, lines 100-105). In addition, the bar code scanner is only capable of scanning a one-dimensional bar code. The presently claimed invention eliminates the need for plural rows of one-dimensional bar codes by using a linear high density multi-dimensional Braille-type bar code in combination with a contact-type scanner for reading such type of Braille-type bar code without the need for a separate guide. Again the bar code scanner of Bail cannot read the linear high-density multi-dimensional Braille-type bar code according to the claimed combination.

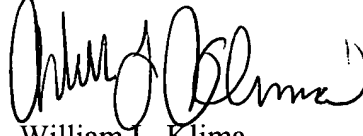
In conclusion, Lemelson *et al.*, Schwartz *et al.* and/or Bail do not teach or suggest the claimed combination, since none of these references disclose a contact-type scanner/reader capable of functioning with a Braille-type bar code, namely a linear high density multi-dimensional Braille-type bar code, according the claimed invention.

In view of the above amendments and remarks, it is believed that the claims are in condition for allowance and allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment to our Deposit Account No. 11-1243.

Respectfully submitted

KLIMA LAW OFFICES, P.L.L.C.

A handwritten signature in black ink, appearing to read 'William L. Klima', written over the printed name.

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